

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PALTALK HOLDINGS, INC.,

Plaintiff

vs.

CISCO SYSTEMS, INC.,

Defendant.

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No. 6:21-cv-00757-ADA

JURY TRIAL DEMANDED

**DECLARATION OF ELISE EDLIN IN SUPPORT OF
CISCO'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF
NO DAMAGES PRIOR TO FILING OF SUIT DUE TO FAILURE TO MARK**

I, Elise S. Edlin hereby declare as follows:

1. I make this declaration of my own personal knowledge, and if compelled to testify, I could and would competently testify thereto. I am an attorney at Perkins Coie LLP, counsel for Defendant Cisco Systems Inc. ("Cisco"). This declaration is submitted in support of Cisco's Motion for Partial Summary Judgment of No Damages Prior to Filing of Suit Due to Failure to Mark.

2. Attached as **Exhibit 1** is a true and correct copy of Paltalk's April 22, 2009 license agreement with Microsoft Corp. ("Microsoft"), bearing bates range PT_0000979-92. This document is designated Restricted - Outside Attorneys' Eyes Only.

3. Attached as **Exhibit 2** is a true and correct copy of excerpts from the transcript of Mr. Jason Katz's September 14, 2022 deposition.

4. Attached as **Exhibit 3** is a true and correct copy of excerpts from Cisco's responses to Paltalk's third set of interrogatories, originally served on September 22, 2022. This corrected version, adding only the confidentiality designation, is dated September 23, 2022. This document is designated Restricted - Outside Attorneys' Eyes Only.

5. Attached as **Exhibit 4** is a true and correct copy of a document titled “VoIP – Voice over IP | Microsoft Teams,” bearing bates number CISCO-PAL-00003161.

6. Attached as **Exhibit 5** is a true and correct copy of a document titled “Microsoft Teams Phone | Microsoft Teams,” bearing bates number CISCO-PAL-00003162.

7. Attached as **Exhibit 6** is a true and correct copy of a document titled “Video Conferencing, Meetings, Calling | Microsoft Teams,” bearing bates number CISCO-PAL-00003164.

8. Attached as **Exhibit 7** is a true and correct copy of Tech Advisor’s November 2, 2016 article by Marie Black, titled “What is Microsoft Team? | Microsoft Teams release date,” *available at* <https://www.techadvisor.com/article/727343/what-is-microsoft-teams-microsoft-teams-release-date.html>.

9. Attached as **Exhibit 8** is a true and correct copy of Paltalk’s September 15, 2011 license agreement with Activision Blizzard, Inc. (“Activision”), bearing bates range PT_0001012-28. This document is designated Restricted - Outside Attorneys’ Eyes Only.

10. Attached as **Exhibit 9** is a true and correct copy of Paltalk’s October 13, 2011 license agreement with Sony Computer Entertainment America LLC, Sony Online Entertainment LLC, Sony Corporation, and Sony Corporation of America (collectively, “Sony”), bearing bates range PT_0000993-1011. This document is designated Restricted - Outside Attorneys’ Eyes Only.

11. Attached as **Exhibit 10** is a true and correct copy of a document titled “Overwatch Voice Chat,” bearing bates number CISCO-PAL-00003158.

12. Attached as **Exhibit 11** is a true and correct copy of an excerpt from the document titled “Blizzard bring voice chat to Battle.net” *available at* <https://www.pcgamesn.com/battlenet-voice-chat>, bearing bates number CISCO-PAL-00003159.

13. Attached as **Exhibit 12** is a true and correct copy of a document titled “Blizzard

Voice Chat,” bearing bates number CISCO-PAL-000031560.

14. Attached as **Exhibit 13** is a true and correct copy of “Blizzard’s Featured Games,” bearing bates number CISCO-PAL-000031566.

15. Attached as **Exhibit 14** is a true and correct copy of a document titled “PC Videoconferencing Endpoint Software,” bearing bates number CISCO-PAL-000031563.

16. Attached as **Exhibit 15** is a true and correct copy of WCCF TECH INC.’s October 21, 2016 article by Jorge Jimenez, titled “Blizzard Voice Now Allows Voice Chat across All Blizzard Games,” *available at* <https://wccfttech.com/blizzard-voice-now-allows-voice-chat-across-all-blizzard-games/>.

17. Attached as **Exhibit 16** is a true and correct copy of Engadget’s October 23, 2015 article by Jess Condit, titled “Blizzard rolls out Battle.net voice chat starting with ‘Overwatch,’” *available at* <https://www.engadget.com/2015-10-23-blizzard-voice-chat-battle-net-overwatch-beta.html>.

18. Attached as **Exhibit 17** is a true and correct copy of Wainhouse Research’s July 11, 2012 newsletter by Alan D. Greenberg, titled “News & Views on Unified Communications & Collaboration,” *available at* <https://www.wainhouse.com/files/wrb-13/WRB-1315.pdf>.

19. Attached as **Exhibit 18** is a true and correct copy of E. Edlin’s September 29, 2022 letter to R. Caughey regarding marking statute compliance.

20. Attached as **Exhibit 19** is a true and correct copy of Paltalk’s September 7, 2022 responses and objections to Cisco’s second interrogatories.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my current knowledge.

Executed this 1st day of December, 2022 in Oakland, California.

/s/ Elise S. Edlin
Elise S. Edlin